IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C. W. P. No. 733 of 2007
Date of Decision: January 25, 2007

Suresh Kumar ***.....Petitioner***

Versus

Kurukshetra University,Kurukshetra
and others ***.....Respondents***

Coram: ***Hon'ble Mr.Justice J.S.Khehar***
Hon'ble Mr.Justice S.D. Anand

Present: Mr.Vishnu Sharma, Advocate for the petitioner.

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J.S. KHEHAR , J. (oral)

The petitioner was desirous of seeking admission to the B.Ed. Course for the academic Sessions 2006-07. Accordingly, in response to an advertisement issued by the University, the petitioner applied for admission to the aforesaid course, well before the last date of submission of application forms. The eligibility conditions depicted in the prospectus issued by the Kurukshetra University, Kurukshetra indicate, inter-alia, that a candidate who had qualified B.A. with Mathematics was eligible for the B.Ed course (for the Science and Mathematics course). Since the petitioner did not possess the aforesaid qualification at the time of submission of his application form, he was treated as ineligible for admission to the B.Ed course.

Learned counsel for the petitioner,however, relies on note 3 (depicted in the prospectus) under the stipulation of qualifications for eligibility, to substantiate his eligibility for admission to the course. Note

3, which has been relied upon by the learned counsel for the petitioner is, being extracted hereunder:-

> "The candidates who have appeared/are appearing in final year examination of Graduation Course in April/May 2006 can also apply for admission to B.Ed. Course. They will be provisionally allowed to appear in the Common Entrance Test at their own risk and responsibility and they shall be eligible for admission only if they produce their Graduation for Post-Graduation result with prescribed percentage of marks by the respective date of counseling."

The fact of the matter is, that the petitioner appeared for the final year of the B.A. examination with Mathematics as one of the subjects in April/May,2006. When the result thereof was declared, he was placed under compartment in the subject of Mathematics. It is not a matter of dispute that the petitioner qualified the subject of Mathematics, for which he was placed under compartment, on 8.12.2006. It is also not a matter of dispute that the petitioner appeared for the third round of counselling for admission to the B.Ed course on 8.12.2006. The issue to be adjudicated upon is whether the petitioner is to be treated eligibile for admission to the B.Ed course in the facts and circumstances depicted hereinabove on the basis of note 3 extracted in the foregoing paragraph.

Although it is the contention of the learned counsel for the respondent-University, that the petitioner did not qualify the examination for which he had appeared in April/May,2006, and as such,

should be treated as ineligible, yet we are of the view that the same was not the requirement of note 3 extracted above. The note made a candidate eligible for applying for admission to the B.Ed course if he had appeared in the final year examination of the Graduation course in April/May,2006. This condition was clearly satisfied by the petitioner when he submitted his application form.

In view of the facts noticed herein above, there can be no dispute that the petitioner factually appeared in the final year examination of the Graduation course in April/May,2006. There being no other condition on the basis whereof he could be treated as ineligible,we are satisfied that the petitioner must be treated as eligible for B.Ed course to which he had applied. Undoubtedly he could only claim admission to the B.Ed course if he could produce his graduation result i.e. the final result of the BA examination, at the time of counselling. Facts narrated in the pleadings of the instant case reveal that the petitioners result was declared on 28.12.2006, and that he produced the result depicting that he had qualified BA. with Mathematics, on the date when he had appeared for counselling, in our view, he has to be treated as eligible for admission to the course under reference.

As a matter of fact, consequent upon declaration of the result, wherein the name of the petitioner appeared in the merit list, the petitioner was admitted to the B.Ed course with respondent No.2. The petitioner has been pursuing the said course with respondent No.2 since then. Since we find the petitioner eligible for admission, and since, the petitioner was within the merit list of the selected candidates, we hereby

regularize the admission of the petitioner to the B.Ed course with respondent No.2.

Allowed in the aforesaid terms.

(J.S.Khehar)
Judge

(S.D.Anand)
Judge

January 25, 2007
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